

Application No.: 09/904,163

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Docket No.: 373722001822

REMARKS/ARGUMENTS

Claims 1-39 were pending in the present application. Accordingly, claims 1-39 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Rejections Under 35 U.S.C. § 102(e)

The Office has rejected claims 1-8, 10, 11, 15, 16, 19, 22-29, 32, 33 and 37-39 as allegedly being anticipated by Buckelew et al. (US 6,498,882 B1).

In support of the rejection, the Office Action (Paper No. 5) states the following on pages 3-4:

Regarding claims 1-4, 10, 19, 22-27 and 37-39; in Figures 6A-6E, Buckelew et al. discloses an optical package (100) having a length of optical fibers (110) connected to the package, comprising:

- an enclosure having at least one optical component (102) disposed therein, the component defining a plane and being optically coupled to the length of optical fibers (110);
- an opening including a feedthrough (124) defined by at least one wall of the enclosure;
- and

- supports (118, 126, 127, 128) attached to the enclosures and configured to support the segment of the length (see column 9, lines 15-18 and lines 54-59);

- wherein a segment of the length of optical fibers (110) is disposed within the feedthrough (124) such that a plane defined by the segment is angled relative to the plane defined by the component (102);

- wherein the package (100) includes a mounting base, upon which the optical component (102) is mounted, the mounting base defining a plane such that the plane defined by the segment is perpendicular to the plane defined by the mounting base;

- wherein the plane defined by the segment is perpendicular to the plane defined by the component (102);

- wherein the segment of the length of optical fibers is disposed within the opening such that a non-bending length of the optical fibers exterior to the opening may be minimized; and
- wherein the length of optical fibers comprises a ribbon of optical fibers that has a cross-section selected from the group consisting of ovals, ellipses and rectangles.

Regarding claims 5-8; the supports (126, 127) disclosed in Figure 6D are clamps, wherein the support (126) has a face that includes a flat or curved surface and that is parallel to the segment of the length of optical fibers (110), wherein the support (127) has a face that includes a flat or curved surface and that is parallel to the segment of the length of optical fibers (110), wherein the support (127) comprises a compliant material, and wherein the support (127) may be a rubber silicone insert (see column 9, lines 38-59).

Regarding claims 11, 15 and 28; the feedthrough (124) includes a sealant (hermetic seal, 129) disposed within the gap defined by the opening and the length of optical fibers, wherein the hermetic seal may be metallic, thus, the feedthrough may comprise a metal (column 9, lines 60-67).

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Regarding claims 16, 29, 32 and 33: the sealant (129) may be epoxy (see column 9, line 60-67). Epoxy is an adhesive that requires curing to adhere

Applicants respectfully draw the Examiner's attention to amended paragraph [0001] of the specification, which indicates that the present application claims the benefit of priority to at least U.S. Patent Application Serial No. 09/724,829, which was filed on November 28, 2000. Buckelew et al. shares the same filing date of November 28, 2000 as the priority filing date of the present application. Applicants also note that at the time of filing, the present application and Buckelew et al. were both commonly assigned to Lightwave Microsystems, Inc.

Therefore, Buckelew et al. serves as an improper basis for a rejection under 35 U.S.C. § 102(e). Accordingly, removal of the rejection is appropriate and is hereby respectfully requested.

Allowable Subject Matter

The Office has indicated that claims 9, 12-14, 17, 18, 20, 21, 30, 31 and 34-36 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge the allowable subject matter with thanks. However, Applicants contend that in light of the remarks above, all pending claims are allowable and respectfully request allowance therefor.

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CONCLUSION

Applicants have, by way of the amendments and remarks presented herein, made a sincere effort to overcome rejections and address all issues that were raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 373722001822.

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Respectfully submitted,

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